

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Darren Turner on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

Civil Action No. 2:16-cv-02864-DCN

BFI Waste Services, LLC d/b/a Republic
Services; Republic Services of South Carolina,
LLC d/b/a Republic Services; and Republic
Services, Inc.,

Defendants.

DECLARATION OF ROB CARTER

I, Rob Carter, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I have personal knowledge of the facts in this declaration from information contained in relevant corporate records, made and maintained under my supervision, as part of my normal business duties and in the ordinary course of business.

2. I am currently employed by Republic Services of South Carolina, LLC ("Republic") as the General Manager of the Charleston, South Carolina waste hauling facility. I have held this position since approximately August 2013. I have been employed by Republic since January 1993.

3. Republic provides waste collection and disposal services to customers in or around Charleston, South Carolina.

4. Plaintiff Darren Turner ("Turner") worked at Republic's Charleston, South Carolina waste hauling facility as a Residential Driver from approximately August 2013 to May

2014. As a Residential Driver, Turner was responsible for picking up waste from homes and transporting it to a transfer station or landfill.

5. Attached as Exhibit A is a true and correct copy of Turner's pay sheet for the week ending April 26, 2014. Exhibit A illustrates how Republic calculated Turner's pay each week of his employment with Republic as a Residential Driver at Charleston, South Carolina.

6. As a Residential Driver, Turner received a fixed job/day rate, which ranged from \$135.00 to \$167.21, for each shift or day of work.

7. In addition to his job/day rate, Turner occasionally was eligible to receive "help pay" at an hourly rate if he assisted on another driver's route after finishing his own work.

8. In addition to his job/day rate, Turner was also eligible to receive hourly pay for "downtime," which was time during his route when his truck was inoperable or otherwise experienced a mechanical malfunction, and he was not able to continue on his route.

9. Turner was also eligible to receive hourly pay when he attended a safety or operations meeting or for time spent training a new driver, which primarily involved Turner "shadowing" new drivers inside the vehicle, and providing coaching and instruction while the new employee drove the truck through the assigned route.

10. Turner's total non-overtime pay for the week (regardless of whether through job/day rate only or a combination of job/day rate and hourly rate) compensated Turner for all hours that he worked that week, including overtime hours, and not merely just the first 8 hours in a day or the first 40 hours in a week.

11. If Turner worked more than 40 hours in a workweek, Republic paid him overtime compensation. Turner's weekly pay sheet outlines the way Republic calculated his overtime. *See Exhibit A.* Republic calculated Turner's overtime by first dividing his total compensation

for the week (job/day rates and hourly rates) by his total hours worked in the week to calculate his regular rate. Republic paid Turner at this regular rate for the first 40 hours he worked in the week. Republic then multiplied Turner's regular rate by 1.5 and paid him at that overtime rate for all hours worked over 40 in the week.

12. During the week ending April 26, 2014, Turner received a job/day rate of \$152.13 for his work each day (identified on Exhibit A in the column titled "Pay Per Day"), for a total of \$760.65 for all hours worked during the week.

13. For the week ending April 26, 2014, Turner's pay sheet shows that he worked a total of 52.90 hours (denoted on Exhibit A in the row titled "Subtotals" and the column titled "Hours").

14. As depicted in Exhibit A, Republic calculated Turner's regular rate of pay for the week ending April 26, 2014, by adding up his total compensation for the week (\$760.65) and dividing that total by his total hours worked (52.90) for a regular rate of \$14.38 for the week.

15. Republic paid Turner at this rate for the first 40 hours worked in the week ending April 26, 2014. Turner's pay sheet shows that Republic paid him for 40 hours (identified on Exhibit A as "Regular Hours") at \$14.38 per hour for a total of \$575.16.¹

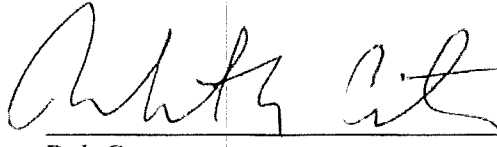
16. Republic then paid Turner overtime compensation for all hours worked over 40 at 1.5 times his regular rate of pay (\$21.57, identified on Exhibit A as "OT Rate"). For the week ending April 26, 2014, Turner's pay sheet shows that Republic paid him 12.90 hours of overtime at \$21.57 per hour for a total of \$278.23.

¹ Minor discrepancies in calculations are due to rounding.

17. Republic added this overtime compensation to Turner's straight-time compensation to arrive at his total compensation for the week, \$853.39 (identified on Exhibit A as "Total Pay").

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct to the best of my personal knowledge and belief.

Executed on October 17, 2016, at Charleston, South Carolina.

A handwritten signature in black ink, appearing to read "Rob Carter", is written over a horizontal line.

Rob Carter

Exhibit A

PAYROLL PRODUCTION WORK SHEET

WEEK ENDING 04/26/14

NAME: DARREN TURNER - DRIVER

DAY	DATE	HOURS		PAY PER DAY	EXTRA PAY	DAILY TOTAL	
M	4/21	11.53		152.13		152.13	1
T	4/22	13.52		152.13		152.13	1
W	4/23	10.45		152.13		152.13	1
TH	4/24	7.97		152.13		152.13	1
F	4/25	9.43		152.13		152.13	1
SA	4/26	0.00		0.00		0.00	0
SUBTOTALS		52.90		152.13	0.00	760.65	5
						Total Pay 853.39	

\$760.65 Total Earnings divided by 52.90 Clock Hours =

\$14.38 Hourly Rate

\$21.57 OT Rate

40.00 Regular Hours	x	14.38 =	575.16
12.90 OT hours	x	21.57 =	278.23
Total Pay		=	853.39